

PATENT
Attorney Docket No. SPRUSON-08795

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Simon Nicholas Richmond
Serial No.: 10/789,488 Group No.: 2821
Filed: 02/26/2004 Examiner: Minh, A.
Entitled: A Solar Powered Light Assembly To Product Light Of Varying
Colours

**DECLARATION OF SIMON NICHOLAS RICHMOND
UNDER 37 C.F.R. § 1.131**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Data de

Dear Sir or Madam:

I, Simon Nicholas Richmond hereby declare and state, under penalty of perjury, that:

1. I am the sole inventor of the instant U.S. Application No. 10/789,488. From 1996 to 2005 I was employed by and was a director of HPM Industries Pty Limited ("HPM") in Sydney Australia. Prior to my departure I was also a director and board member of the Australian Electrical and Electronics Manufacturers Association.

2. I have reviewed the Office Action mailed May 2, 2006, wherein the Examiner has cited as prior art an application of May *et al.*, US 2005/0156103, published on July 21, 2005, and filed as U.S. Application No. 10/601,101 on June 23, 2003.

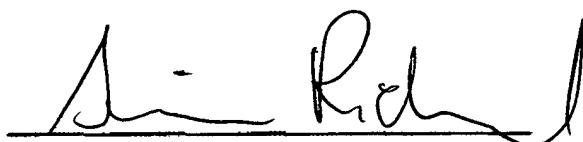
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3. Attached are copies of the master Product Specification and Technical Specification documents for HPM catalog number RSLMCPPL (Tab A) dated April 1, 2003, that were supplied to the manufacturing subcontractor. Also attached is a copy of the instruction manual for the RSLMCPPL Rio Colour Flow Pathlight dated May 25, 2003 (Tab B). These documents are submitted as evidence that I conceived of and reduced to practice lighting devices to produce light of varying colour, including: a body; a lens mounted on the body and generally enclosing a chamber; a circuit having at least two lamps of different colours to produce a desired colour including a varying colour, in a World Trade Organization country (Australia) before June 23, 2003.

4. I further declare that all statements made herein are of my own knowledge are true, and that all statements are made on information and belief that are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application of any patent issued thereon.

Dated: 08/06/06



Simon Nicholas Richmond